REMARKS/ARGUMENTS

After the foregoing Amendment, claims 146-152, 165, 168-170, 172 and 175 are currently pending in this application. Claims 166, 167, 171, 173, and 174 are canceled without prejudice. Claims 146, 165, 168, 169, 170, 172 are amended.

Applicants thank the Examiner for granting an interview with the Applicants' representative on March 4, 2004. During the interview Applicants discussed the restriction requirement along with proposed amendments.

Claims 146-152 and 165-175 are subject to a restriction requirement under 35 USC §121. Regarding claims 165, 169, and 170, the claim term "adjusting a rate of communication during the communication session" has been amended to "adjusting a number of CDMA codes during the communication session." Applicants respectfully submit that there is support for the amendments within the specification, (e.g. paragraph [0044] and paragraph [0058]). In view of the foregoing amendments, Applicants respectfully submit that the restriction requirement is now moot.

Based on the arguments presented above, withdrawal of the restriction requirement and allowance of claims 146-152, 165, 168-170, 172 and 175 are respectfully requested.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Gorsuch et al.

By

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